



STATE OF INDIANA

MITCHELL E. DANIELS, JR., Governor

PUBLIC ACCESS COUNSELOR
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November 7, 2012

Cheri L. Banet
3963 South Bogard Hollow Road
English, Indiana 47118

*Re: Formal Complaint 12-FC-301; Alleged Violation of the Open Door Law by the
Palmyra Town Council*

Dear Ms. Banet:

On October 9, 2012, our office received your formal complaint alleging that the Palmyra Town Council ("Council") violated the Open Door Law ("ODL"), Ind. Code § 5-14-1.5-1 *et seq.* On October 31, 2012, Mr. Alvin Brown and Ms. Virginia Kirkham filed various records in response to your formal complaint. On November 6, 2012, Michael G. Swansburg, Jr., Attorney, responded on behalf of the Town of Palmyra. Copies of all records that have been submitted in response to your formal complaint are enclosed.

Pursuant to I.C. § 5-14-4-10(6), the Public Access Counselor may not issue an advisory opinion concerning a specific matter with respect to which a lawsuit has been filed under I.C. § 5-14-1.5 or I.C. § 5-14-3. Mr. Swansburg provided with his response a copy of the complaint that you have filed against the Town of Palmyra, alleging violations of the ODL, in the Harrison County Superior Court under Cause No. 31-C01-1210-PL-32. I have confirmed the filing of the complaint via the Indiana Supreme Court's Odyssey Case Management System. Accordingly, pursuant to I.C. § 5-14-4-10(6), I am prohibited from issuing an advisory opinion in response to your formal complaint.

Please let me know if I may be of any further assistance.

Best regards,

A handwritten signature in black ink, appearing to read "J. Hoage".

Joseph B. Hoage
Public Access Counselor

cc: Palmyra Town Council, Ryan Sink, Michael G. Swansburg